

### REMARKS

Applicants first wish to thank the Examiner for the courteous telephone interview conducted with Applicants' representative, Ms. Leber, on October 24, 2008. During the interview, the rejections of record were discussed, as was the newly cited Keith reference (U.S. 3,963,813). No conclusion was reached regarding patentability.

While not conceding that the claims prior to amendment were not patentable over Keith, in order to advance prosecution Applicants have amended the independent claims (claims 1 and 81) to recite that the projections are solid, rather than hollow as is the case in the Keith reference.

Claims 1-5, 7, 9, 11, 12, 14, 15, 18-27, 81 and 82 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhardt in view of Levitt and Leach. Claims 8-10 have been rejected as being obvious over these references further combined with Aamodt; claims 16 and 17 have been rejected as obvious over Eckhardt, Levitt, and Leach further combined with Provost; and claim 28 has been rejected as being obvious over Eckhardt, Levitt, and Leach further combined with either Tuman or Heindel.

While not conceding the propriety of this rejection, in order to advance prosecution Applicants have amended claim 1 to recite that the preformed substrate is bonded to the distal ends of the projection component sufficiently to resist removal of the preformed substrate from the distal ends. Claim 81 has been amended in a similar manner.

As discussed in Applicants' previous response, and acknowledged by the Examiner during the interview, the goal of Eckhardt is to releasably affix the cover sheet to the fastener members. Thus, modifying Eckhardt to bond the cover sheet to the fastener members sufficiently to resist removal would be counter to Eckhardt's express intent. As explained in MPEP 2143.01 §§V and VI, the proposed modification to the prior art cannot render the prior art unsatisfactory for its intended purpose, or change the principle of operation of a reference. Thus, a modification of Eckhardt that would result in Applicants' invention as now claimed would be improper.

Moreover, there is nothing in Leach or the other art of record that would have led the artisan to believe that encapsulating fibers of Eckhardt's cover sheet in resin of the distal ends of

the fastener members would accomplish the releasable attachment that is Eckhardt's goal. Instead, the artisan would more likely have believed that such encapsulation would result in a bond that would damage the cover sheet and/or fastener members during separation. Levitt does not suggest that his process could be used to form a releasable bond, or in fact any type of bond; Levitt is solely concerned with heating projections in order to deform their distal ends and form fastener heads. As discussed in Applicants' previous response, in Leach bonding is between the back side of the base sheet and the loop component, and is intended to be permanent, not releasable.

In view of the above, Applicants respectfully request that the rejection of claims 1-5, 7, 9, 11, 12, 14, 15, 18-27, 81 and 82 as obvious over Eckhardt in view of Levitt and Leach et al be withdrawn.

Regarding the rejections of claims 8-10, 16, 17, and 28 as being obvious over the references discussed above further combined with other secondary references, Appellants respectfully submit that, as the noted deficiencies of the primary references are not resolved by any teaching of these secondary references, or by reference to general knowledge of one of merely ordinary skill, claims 8-10, 16, 17, and 28 are allowable for at least the reason that they depend from allowable base claim 1.

Please charge the fee for the Request for Continued Examination, and apply any other charges or credits, to deposit account 06-1050, referencing Attorney Docket No. 05918-0256001.

Respectfully submitted,

Date: October 30, 2008

/Celia H. Leber/  
Celia H. Leber  
Reg. No. 33,524

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (877) 769-7945